

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
15-SO-2

OCT 16 2015

IN RE: Motions for Post-Conviction Relief
Pursuant to *Johnson v. United States*,
576 U.S. —, 135 S.Ct. 2551 (2015)

STANDING ORDER

Pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006A(a)(1) and (c), the Office of the Federal Public Defender for the Eastern District of North Carolina (“Federal Public Defender’s Office”) is hereby appointed to represent any defendant serving a federal sentence, who was previously determined to have been entitled to appointment of counsel or who was previously represented by the Federal Public Defender’s Office at the district court level through the completion of sentencing to determine whether that defendant may qualify for post-conviction relief pursuant to *Johnson v. United States*, 576 U.S. —, 135 S.Ct. 2551 (2015), and if so, to assist the defendant in obtaining such relief. Additionally, the Federal Public Defender’s Office is appointed for the same limited purpose to represent any defendant currently serving a federal sentence who, though not indigent at the time of trial, judgment, and sentencing, is now indigent, so long as no conflict exists between that defendant and a current or former client of the Federal Public Defender’s Office. Attorneys serving on the Criminal Justice Act panel for the Eastern District of North Carolina are hereby appointed to represent any former client currently serving a federal sentence previously determined to have been entitled to appointment of counsel to determine whether that defendant may qualify for post-conviction relief pursuant to *Johnson*, and if so, to assist such defendant in obtaining any such relief. Additionally, attorneys serving on the Criminal Justice Act panel may be appointed to represent an indigent defendant currently serving a federal sentence, who they did not previously represent, when a conflict exists such that

the Federal Public Defender's Office, or when a former panel attorney cannot represent that defendant. This appointment is limited to cases affected or potentially affected by *Johnson*, and will terminate upon a determination by appointed counsel that the defendant is not eligible for relief or, if eligible for relief, upon exhaustion of the defendant's post-conviction remedies.

The U.S. Probation Office for the Eastern District of North Carolina ("U.S. Probation Office") is authorized to disclose Presentence Investigation Reports or Modified Presentence Investigation Reports, Judgments, and Statements of Reasons to the Federal Public Defender's Office and the Criminal Justice Act panel for the purpose of determining eligibility for relief. Upon request by the Office of the U.S. Attorney for the Eastern District of North Carolina ("U.S. Attorney's Office"), the U.S. Probation Office also shall provide copies of the Presentence Investigation Reports or Modified Presentence Investigation Reports, Judgments, and Statements of Reasons in these cases to the U.S. Attorney's Office. In accordance with Federal Bureau of Prisons policy, no Presentence Investigation Reports Modified Presentence Investigation Reports, or Statements of Reasons will be provided to inmates.

SO ORDERED. This 16 day of October, 2015.



JAMES C. DEVER III
Chief United States District Judge